IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

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PRESENT

-

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 20323 of 1994

-

Between:

1 S.Veeraswamy, S/o. Lakshmi Narsaiah,
R/o. Warangal.
2 S.Rajanna, S/o. Lakshmi Narsaiah,
R/o. Warangal.
3 S.Rajanouli, S/o. Lakshmi Narsaiah,
R/o. Warangal.

..... PETITIONERS

AND

-

The Special Officer & Competent Authority,

Urban Land Ceiling, Warangal.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Mandamus declaring the proceedings in Rc.No.A1/3136/76, dt.2.9.1994 requiring the petitioners to surrender their land in S.No.2121 of Fort, Warangal (V), as illegal, arbitrary and further declare that they are entitled for their holding in accordance with the provisions of Urban Land Ceiling Act.

Counsel for the Petitioner: MR.J.VENKATESWARA REDDY

Counsel for the Respondent: GP FOR ASSIGNMENT

The Court Made the Following ORDER:

The petitioners, who are the sons of the deceased declarant filed this writ petition inter alia seeking to assail the correctness of the notice dated 2-9-1994 issued under Section 10(5) of the Urban Land Ceiling Act.

The main grievance of the petitioners is that in pursuance of the declaration filed by the original declarant, orders under Section 8(4) of the Act were passed on 11-10-1982. Thereafter, the original declarant died in the year 1987. However, the impugned notice was issued in the year 1994 in the name of the deceased declarant and no notice has been issued to the petitioners herein by adding them as legal representatives of the deceased declarant.

On consideration of the facts and circumstances and also on perusal of the material on record it is evident that the original declarant died and the notice was issued in favour of the deceased declarant.

Under the circumstances the Writ Petition is allowed. The impugned notice is set aside. However, it shall be open for the respondent to issue fresh notice to the petitioners herein, and pass appropriate orders in accordance with law, after giving an opportunity to them. No costs.

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B. Prakash Rao, J.

8th July, 2004

js.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Special Officer & Competent Authority,

Urban Land Ceiling, Warangal.

2 Two CCs to G.P. for Assignment, High Court Buildings,

High Court of A.P., Hyderabad.(OUT)

3 2 CD copies.